

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARY COLLEEN WEILAND,

Plaintiff,

v.

MICHAEL J. SCULLY, M.D., and
JANE DOE SCULLY, his wife;
BROOKS WATSON II, M.D., and
JANE DOE WATSON, his wife;
KENNEWICK PUBLIC
HOSPITAL DISTRICT, d/b/a
KENNEWICK GENERAL
HOSPITAL, a municipal
corporation; KADLEC MEDICAL
CENTER, a nonprofit Washington
corporation,

Defendants.

NO. CV-07-5042-RHW

**ORDER GRANTING
STIPULATED MOTION TO
DISMISS**

Before the Court is the parties' Stipulated Motion to Dismiss Defendant Michael J. Scully, M.D. (Ct. Rec. 57). This motion was heard without oral argument. The parties have agreed that Defendant Kennewick Public Hospital District, d/b/a Kennewick General Hospital ("KGH"), received and will not contest either the 90-day pre-suit notice required under RCW § 7.70.100 or the Certificate of Merit under RCW § 7.70.150. The parties also stipulate that Defendant Michael J. Scully, M.D., may be dismissed as his employer, KGH, is liable for his alleged acts and omissions under the doctrine of *respondeat superior*. The Court finds the parties' agreements reasonable.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion to Dismiss Defendant Michael J. Scully,

ORDER GRANTING STIPULATED MOTION TO DISMISS * 1

1 M.D. (Ct. Rec. 57) is **GRANTED**.

2 2. Defendant Michael J. Scully, M.D. is **DISMISSED** from this action
3 **without prejudice** and without costs to any party.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order and forward copies to counsel.

6 **DATED** this 16th day of June, 2008.

7 *S/ Robert H. Whaley*

8 ROBERT H. WHALEY
9 Chief United States District Judge

10
11
12
13 Q:\Civil\2006\Miller\ext.ord.wpd
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28